

Remarks

Claims 16, 18, 22 and 24 have been amended.

Claims 16, 22 and 24 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant's independent claims 16, 22 and 24 have been amended, and with respect to these claims, as amended, the Examiner's rejection under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicant's independent claims 16, 22 and 24 have been amended to more clearly recite the features of the present invention. In particular, independent claim 16 has been amended to recite a client terminal of the present invention, in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus, the terminal comprising: a setting unit, which sets respective flags of said plurality of functions into an enabling state and a disabling state so that the function the flag of which is set into the enabling state is to be subjected to charging; a controlling unit, which controls usability of the function in accordance with the state of the flag thereof set by said setting unit, so as to make the function the flag of which is set in the enabling state, usable and make the function the flag of which is set in the disabling state, unusable; a payment unit, which executes payment processing of a price of the function the flag of which is set in the enabling state by said setting unit; a count unit, which counts a period in which said function the flag of which is set in the enabling state, remains being not used; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a predetermined period; and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the predetermined period, from the enabling state to the

disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit . Applicant's independent claims 22 and 24 have been similarly amended.

More specifically, independent claim 16 has been amended (and independent claims 22 and 24 similarly have been amended) to clearly recite that a client terminal which communicates with a server apparatus is arranged to set a flag of a function installed in the client terminal to an enabling state so that the function is subjected to charging. However, the client terminal automatically requests that the server apparatus prohibit usability of a function that has not been used for a predetermined period of time based on a counting that is carried out by the count unit as recited in claim 16, in which case the client terminal changes the state of the flag of the unused function from the enabling state to the disabling state. Thus, in accordance with the claimed invention, charging for a function that is not used is not carried out, thus resulting in a decrease in expenses.

As discussed in detail below, it is clear that the above-discussed features recited in each of applicant's amended independent claims are particularly described in the application as filed and, further, the description in the application sufficiently establishes that the written description requirement under 35 U.S.C. 112, first paragraph, is satisfied.

In particular, the recitation "the function the flag of which is set into the enabling state is to be subjected to charging" of the claimed setting unit is supported by Fig. 6 (step S23) and discussed in paragraph [0049] of the published U.S. patent application, which corresponds to page 12, lines 15-26 of the specification as originally filed.

The claimed count unit and prohibition request unit are supported by Figs. 8 and 9 and paragraphs [0053] and [0054] of the published application (page 13, line 22 to page 14, line

14 of the specification, as originally filed). In these paragraphs, it is described that when a function is not used, even if that function is in a usable state in accordance with the enabling state of the function's flag, a time count is counted up (i.e., by the claimed count unit) to determine whether the time count exceeds a predetermined period (e.g., one month). That is, a period of continuous non-use of that function is ascertained. Then, when the time count exceeds the predetermined period (i.e., "Yes" in step S35), the process shown in Fig. 9 is carried out, which is described in paragraph [0058], which is the claimed prohibition request unit.

The claimed changing unit is supported by Fig. 9 and paragraphs [0056] and [0057] of the published application (page 14, line 18 to page 15, line 6 of the specification, as originally filed). In these paragraphs, it is described that the client terminal sends to the server apparatus the identity of the function which has remained unused for more than the predetermined period, in order to receive a response indicating a usability prohibition from the server apparatus and then automatically sets the function as being unusable (step S56 and page 14, line 57 to page 15, line 2 of original specification).

The paragraphs in the specification as originally filed as discussed above all are contained within the heading "Second Embodiment" (see page 11, line 10 of original specification). Accordingly, with such detailed description, it is clear to one of ordinary skill in the art that the invention as particularly recited in applicant's amended independent claims is sufficiently described in the specification in such a way as to reasonably convey that the inventor, at the time the application was filed, had possession of the claimed invention. Accordingly, it is requested that the rejection of claims 16, 22 and 24 under 35 U.S.C. 112, first paragraph, be withdrawn.

Claims 16-18, 22 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikens et al. (“Aikens”) (U.S. Patent No. 6,216,113). Applicant’s independent claims 16, 22 and 24 have been amended as set forth above, and with respect to these claims, as amended, the Examiner’s rejection under 35 U.S.C. § 103(a) is respectfully traversed.

The constructions recited in applicant’s amended independent claims are not taught or suggested by the cited Aikens reference. In particular, Aikens neither discloses nor suggests applicant’s claimed “count unit” which “counts a period in which said function the flag of which is set in the enabling state, remains being not used,” nor does Aikens disclose or suggest applicant’s claimed “prohibition request unit” which “automatically requests the server apparatus to prohibit the usability of the function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a predetermined period.” As discussed above, the present invention as recited in applicant’s independent claims calls for a client terminal that automatically requests that the server apparatus prohibit usability of a function that has not been used for a predetermined period of time based on a counting that is carried out by a count unit, and thereafter the client terminal changes the state of the flag of the unused function from the enabling state to the disabling state.

Aikens operates quite differently. In particular, Aikens discloses transmitting accounting data, stored in a memory 118 of a printing device, periodically to an accounting manager via a network, and that usage of a function that results in invalid access or a violation of a restriction, such as too much usage, be denied. At best, Akins merely teaches not charging for invalid accounting information as the Examiner states in the Office Action (page 4, paragraph 8) , but Aikens neither discloses nor suggests the changing unit functioning

together with the count unit and the prohibition unit in the particular manner recited in applicant's independent claims. More specifically, in the present invention, if a usable function installed in the client terminal has not been used for a long period of time (i.e., a predetermined period), then such function might have been not used frequently or the user is not interested in the function. In such case, the client terminal of the present invention automatically requests to a server apparatus that use of the function be prohibited. This feature of the present invention clearly is patentably distinct from Aiken's accounting prohibition, which merely denies access to a function if access is not allowed, the account is invalid or if the account limit has been exceeded, which is discussed in Aiken in column 5, line 9 to column 6, line 4 as shown in Figure 5. On the other hand, since the client terminal of the present invention is arranged to execute payment processing of only the usable functions (whose flags are set to a usable state), charges for functions that users are not interested in can be avoided, thus reducing expenses.

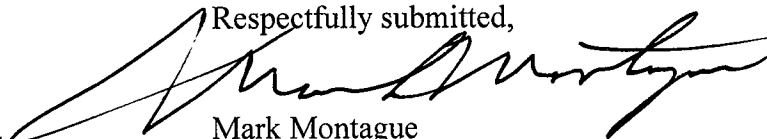
In view of the above, applicant's amended independent claims 16, 22 and 24, and the dependent claims, are not obvious, and patentably distinguish, over the cited Aikens patent. Accordingly, it is requested that the rejection of the claims under 35 U.S.C. 103 be withdrawn.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: October 29, 2007

COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036
T (212) 790-9200

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Montague', written in a cursive style.

Mark Montague
Reg. No. 36,612